

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DANIEL J. FISHER,

Plaintiff,

v.

BRAD CAIN, Superintendent, Snake River
Correctional; **DOC HEALTH SERVICES**,
Oregon Department of Corrections health
Services, sued in their individual and official
capacities et al.; and **BETTY HAWKINS**,
Risk Management,

Defendants.

Case No. 2:21-cv-00132-JR

ORDER

IMMERGUT, District Judge.

On May 16, 2022, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”). ECF 37. The F&R recommends that this Court grant in part and deny in part Defendants’ Motion for Summary Judgment, ECF 23. No party filed objections. For the following reasons, this Court ADOPTS Judge Russo’s F&R in full.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R and accepts Judge Russo’s conclusions. The F&R, ECF 37, is adopted in full. This Court DENIES Defendants’ Motion for Summary Judgment, ECF 23, as to Plaintiff’s Eighth Amendment personal capacity claim against Defendant Gulick, and GRANTS summary judgment in all other respects.

IT IS SO ORDERED.

DATED this 27th day of June, 2022.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge